

ASSEMBLY BILL

No. 1021

Introduced by Assembly Member Emmerson

February 27, 2009

An act to amend Section 120335 of the Health and Safety Code, relating to immunizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1021, as introduced, Emmerson. Immunizations

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases, including hepatitis B and pertussis (whooping cough) as well as any other disease deemed appropriate by the State Department of Public Health, taking into consideration the recommendations of specified entities.

This bill would add to these entities the American Academy of Family Physicians.

This bill would also, remove certain of the immunization age and date restrictions.

Because the bill would add to the duties of certain local agencies it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 120335 of the Health and Safety Code
2 is amended to read:
3 120335. (a) As used in ~~Chapter 1 (commencing with Section~~
4 ~~120325, this chapter,~~ but excluding Section ~~120380~~), 120380, and
5 as used in Sections 120400, 120405, 120410, and 120415, the term
6 “governing authority” means the governing board of each school
7 district or the authority of each other private or public institution
8 responsible for the operation and control of the institution or the
9 principal or administrator of each school or institution.
10 (b) The governing authority shall not unconditionally admit
11 any person as a pupil of any private or public elementary or
12 secondary school, child care center, day nursery, nursery school,
13 family day care home, or development center, unless prior to his
14 or her first admission to that institution he or she has been fully
15 immunized. The following are the diseases for which
16 immunizations shall be documented:
17 (1) Diphtheria.
18 (2) Haemophilus influenzae type b, ~~except for children who~~
19 ~~have reached the age of four years and six months.~~
20 (3) Measles.
21 (4) Mumps, ~~except for children who have reached the age of~~
22 ~~seven years.~~
23 (5) Pertussis (whooping cough), ~~except for children who have~~
24 ~~reached the age of seven years.~~
25 (6) Poliomyelitis.
26 (7) Rubella.
27 (8) Tetanus.
28 (9) Hepatitis B ~~for all children entering the institutions listed~~
29 ~~in this subdivision at the kindergarten level or below on or after~~
30 ~~August 1, 1997.~~
31 (10) Varicella (chickenpox), ~~effective July 1, 2001. Persons~~
32 ~~already admitted into California public or private schools at the~~
33 ~~kindergarten level or above before July 1, 2001, shall be exempt~~

1 from the varicella immunization requirement for school entry. This
2 paragraph shall be operative only to the extent that funds for this
3 purpose are appropriated in the annual Budget Act.

4 The department may adopt emergency regulations to implement
5 this paragraph including, but not limited to, requirements for
6 documentation and immunization status reports, in accordance
7 with the rulemaking provisions of the Administrative Procedure
8 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code). The initial adoption
10 of emergency regulations shall be deemed to be an emergency and
11 considered by the Office of Administrative Law as necessary for
12 the immediate preservation of the public peace, health and safety,
13 or general welfare. Emergency regulations adopted pursuant to
14 this paragraph shall remain in effect for no more than 180 days.

15 (11) Any other disease deemed appropriate by the department,
16 taking into consideration the recommendations of the United States
17 Public Health Services' Centers for Disease Control Immunization
18 Practices Advisory Committee *on Immunization Practices of the*
19 *federal Centers for Disease Control, the American Academy of*
20 *Family Physicians,* and the American Academy of Pediatrics
21 Committee ~~of~~ *on Infectious Diseases.*

22 (c) On and after July 1, 1999, the governing authority shall not
23 unconditionally admit any pupil to the 7th grade level, nor
24 unconditionally advance any pupil to the 7th grade level, of any
25 of the institutions listed in subdivision (b) unless the pupil has
26 been fully immunized against hepatitis B.

27 (d) The department may specify the immunizing agents which
28 may be utilized and the manner in which immunizations are
29 administered.

30 SEC. 2. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.